

REMARKS/ARGUMENTS

Claims 1-64 are pending in this application. Claim 1 has been amended in order to further clarify the metes and bounds of applicants' claimed process. Support for the claim amendment is found at p. 12, lines 10-13 of the application and thus there is no issue of new matter. Entry of the amendment into the file of the application is, therefore, respectfully requested.

Restriction Requirement

According to the Office Action applicants are required under 35 U.S.C. 121 and 372 and 36 C.F.R. 1.499 a single group of claims for continued prosecution in this application from among Groups I - XII identified at pp.2-3 of the Action.

In response, applicants elect **with traverse** Group I, claims 1-40 (as amended), drawn to a method of producing and isolating EPO.

Basis of Traversal

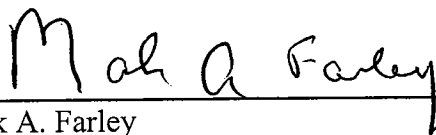
According to the Office Action at p. 4, Groups I - XII allegedly lack unity of invention because even though the inventions of the groups all require the technical feature of EPO produced by the method of Group I, this technical feature is not a 'special' technical feature as, according to the Examiner, it does not make a contribution over the prior art in view of Goldberg et al., PNAS, Vol. 84, pp. 7972 - 7976 (1987).

The Restriction Requirement, however, is respectfully traversed since, in response to the Examiner's finding as indicated above, applicants have herein amended claim 1 such that the claim now recites, *inter alia*, that, "the at least one first cell or tissue is from a first cell type and the at least one second cell or tissue is from a second cell type, and wherein the first cell type is different from the second cell type". The above-indicated feature added by amendment to claim 1 is not taught by the Goldberg et al. reference. As such, applicants respectfully submit that, in their view, there is (as recited in amended claim 1) a special technical feature recited in the subject claim and that, due to the dependence of the other claims contained in this application on claim 1, directly or indirectly, the special technical feature permeates all of the indicated claim groups I - XII.

Based on the reasons provided above, therefore, the Examiner is respectfully requested to withdraw the Election Requirement among Groups I - XII and to, therefore, examine all of the pending claims together in the present application.

Respectfully submitted,

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A handwritten signature in black ink, reading "Mark A. Farley", is written over a horizontal line.

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